

WEST VIRGINIA INFORMATIONAL LETTER

NO. 64

June 1, 1989

TO: All Insurance Companies, Hospital, Medical, Dental and Health Services Corporations, Health Maintenance Organizations and Rating Organizations licensed to do business in West Virginia

SUBJECT: Filing Procedure Modifications and Clarification and New Legislation related to Rte and Form Filings passed during the 1989 Legislative Session

On August 1, 1989 the following changes in procedures for all rate and form filings will become effective:

1. FOR EACH FILING insurers should submit only one copy of the filing along with a cover letter describing the nature of the filing and one copy of the cover letter. If the filing is approved, only a copy of the cover letter bearing the Commissioners approval will be returned to the company.

NOTE: This does not affect any of the requirements for appropriately completed filing abstracts and supporting information per Informational Letter 17 -- Form and Rate Filing Abstracts for Accident and Sickness Insurance; Informational Letter 29 -- Form and Rate Filing Abstracts for Property and Casualty Insurance; and Informational Letter 43 -- Mass Marketed Life and Health Insurance Filing Abstracts.

2. RESUBMISSIONS OF DISAPPROVED FILINGS must include the entire filing as originally submitted with the modifications that address the reasons for disapproval. The resubmission should specifically identify the modifications made pursuant to the Departments disapproval. Resubmissions which contain only those portions of the filing which were originally disapproved will be disapproved.
3. When a FILING is submitted for approval which involves MORE THAN ONE COMPANY, a copy of the filing, a cover letter and duplicate cover letter must be submitted for each company marketing the product in West Virginia.
4. With regard to MODIFICATIONS TO PREVIOUSLY APPROVED FORMS or the filing or riders, endorsements, amendments, rate adjustments or rule changes which affect existing forms, each company requesting approval must submit all forms affected, in their entirety, along with the modifications, riders, rate adjustments, rule changes, etc., if the form affected by the proposed change was approved two years ago or more. If approval for the form affected by the proposed change was granted less than two years ago then only the proposed modifications, riders, rate adjustment, etc., need be filed.
5. Insurers will soon be assigned Departmental identification numbers for each filing submitted to this Office. Insurers must always provide the Department with this identification number on any subsequent filings which relate to or affect a previous filing.

The following legislation was passed during the 1989 legislative session. This is not inclusive of all legislation which may affect the insurance industry or consumers, but reflects that legislation which affects rate and policy form filings.

Senate Bill 523 -- Third Party Reimbursement for Mammography or Pap Smear Testing

This bill mandates reimbursement or indemnity for mammograms or pap smears, in certain cases, when performed for cancer screening or diagnostic purposes, at the direction of a licensed practitioner whenever reimbursement or indemnity for laboratory or x-ray services are provided. This bill adds new code sections, 33-15-4c, 33-16-3g, 33-24-7b, 33-25-8a and 33-25A-8a all relating to individual accident and sickness insurance, group accident and sickness insurance, hospital, medical, dental and health service corporations, health care corporations and health maintenance organizations. This legislation becomes effective on July 1, 1989.

House Bill 252 -- Treatment of Temporomandibular Joint Disorder and Craniomandibular Disorder

This bill requires all insurers to make available coverage for temporomandibular joint disorder and craniomandibular disorder and requires that the Insurance Commissioner promulgate regulations which shall prescribe the manner by which such coverage shall be offered. This bill amends West Virginia Code Sections 33-24-4 and 33-25A-4 and adds a new Code section 33-16-3f. This legislation is effective July 1, 1989.

House Bill 2391 -- Filing and Approval of Accident and Sickness Rates

This bill clarifies the prior approval requirement for individual accident and sickness rates and group accident and sickness rates that are not experience rated. This bill adds a new article 16B to Chapter 33 and requires that regulations be promulgated with regard to accident and sickness rate filings. This legislation becomes effective July 5, 1989.

House Bill 2417 -- Waiting Period and Notice of Certain Rate Filings

This bill establishes a 60 day waiting period, with no extensions, for all insurance policy form and rate filings except medical malpractice rate filings, for which the waiting period remains 60 days with a possible 30 day extension. In addition, notice must be provided by the Insurance Commissioner to the Secretary of State for publication in the state register of all automobile liability rate increases of 15% or more. This bill amends Code sections 33-6-8, 33-20-4, 33-24-6, 33-25-8, and 33-25A-8. This legislation becomes effective July 1, 1989.

House Bill 2526 -- West Virginia Long Term Care Insurance Act

This bill adds a new Article 15A to Chapter 33 of the West Virginia Code which sets forth definitions, standards and requirements relating to long-term care insurance. Please see the bill for the specific standards and requirements. This legislation becomes effective July 3, 1989.

House Bill 2588 -- Fee for Form and Rate Filing

This bill increases the fee for form and rate filings from \$10.00 to \$25.00 and expands the filing fee requirement to farmers mutual fire insurance companies, fraternal benefit societies, hospital, medical, dental and health service corporations, health care corporations and health maintenance organizations. Please note that a fee is required for each form and rate filings. Filings which contain a combination of forms and rates require a fee for the form and a fee for the rate portion of the filing as Code section 33-6-34 requires the fee for every form filing and every rate filing submitted with each filing. This legislation is effective July 7, 1989.

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Any questions regarding this informational letter should be directed to Yetta Kessinger of the Rates and Forms Division.

Sincerely,

Hanley C. Clark
Insurance Commissioner

HCC:RMA/sb